



California Fair Political Practices Commission

August 10, 1987

Honorable Fred Shaw
Councilmember, City of Beaumont
P.O. Box 147
Beaumont, California 92223

Re: Your Request for Advice
Our File Nos. I-87-181 and
I-87-190

Dear Mr. Shaw:

You, Irish D. Mitchell, and City Attorney George R. Ryskamp have each written regarding your duties and obligations under the Political Reform Act.^{1/} We are responding directly to you, with courtesy copies to them in response to their letters.

QUESTION

May you participate in an upcoming decision regarding the possible repeal of Beaumont's mobile home rent review ordinance?

CONCLUSION

You may participate in the decision regarding repeal of the mobile home rent review ordinance if you will be affected in substantially the same manner as other mobile home residents in Beaumont.

FACTS

We have been provided with various facts in the different pieces of correspondence which we have received regarding your question. For purposes of our response to you, we will use the facts as provided by you in your letter of July 23, 1987 (copy attached).

You reside in a mobile home in one of Beaumont's six mobile home parks. You rent the space for your home. You have stated that the total number of mobile homes in Beaumont is 399, with approximately 877 occupants. The total number of residences in Beaumont is approximately 3300, and the total population of Beaumont is around 8,000.

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Administrative Code Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code.

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Based upon these figures, mobile homes comprise approximately 12% of Beaumont's households. The mobile home population is approximately 11% of Beaumont's populace.

ANALYSIS

The Political Reform Act requires that a public official disqualify himself from making, participating in making, or using his official position to influence any governmental decision in which he has a financial interest. (Section 87100.) You must disqualify yourself regarding the rent review ordinance repeal if the decision will affect your expenses (for rent) in an amount of \$250 or more in a year's time. (Section 87103; Regulation 18702.1 (a)(4), copy enclosed.) However, you need not disqualify yourself from such a decision if you will be affected in substantially the same manner as a significant segment of the public. (Section 87103; Regulation 18703, copy enclosed.)

This "public generally" exception is discussed with respect to rent control decisions in two Commission opinions and in an advice letter, all of which have previously been sent to you.^{2/} In the Morgan Advice Letter, we addressed substantially similar facts and concluded that mobile home residents in that matter were a significant segment of the general public for purposes of Section 87103 and Regulation 18703. Applying that analysis here, we conclude that mobile home residents in Beaumont constitute a significant segment of the general public in that city.

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^{2/} Overstreet Opinion, 6 FPPC Opinions 12, No. 80-010, March 12, 1981; Ferraro Opinion, 4 FPPC Opinions 62, No. 78-009, November 7, 1978; and Morgan Advice Letter, No. 81-507.

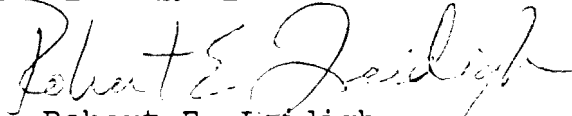
Honorable Fred Shaw
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For this reason, we have elected to treat your letter as a request for informal assistance under Regulation 18329(c) (copy enclosed).^{3/} If you wish to provide information on the outstanding issues, we will be happy to consider it at a later date.

If you have questions regarding this letter, I may be reached at (916) 322-5901.

Sincerely,

Diane Griffiths
General Counsel


By: Robert E. Leidigh
Counsel, Legal Division

Enclosures
REL:jaj

cc: Irish D. Mitchell
George R. Ryskamp

^{3/} Informal assistance does not provide the requestor with the immunity provided by an opinion or formal written advice. (Section 83114; Regulation 18329(c)(3).)

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July 23, 1987

State of California
Fair Political Practices Comm.

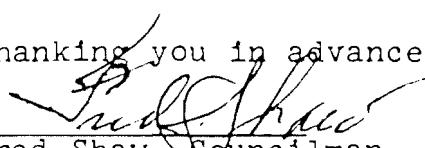
Attn: Robert Leidigh-Atty.
John McClean -Atty.

Enclosed are adjusted figures relative to the number of 'Mobile Home' spaces and population in comparison to the total dwelling units and population.

I have also outlined a comparable percentage figure to compare with the city of Winchester. (Morgan letter).

Mine is a comparable situation. It would be appreciated if you would give an opinion, in writing, if you are in agreement.

Thanking you in advance,


Fred Shaw - Councilman - Beaumont ca. 92223

| | | 2.2-AV. |
|------------------------------|------------|-----------------|
| Mobite - Home - Spaces - +/- | | Occupants - +/- |
| Cozy | 43 | 94 |
| Curry | 57 | 125 |
| McAdoo | 15 | 33 |
| Pioneer | 54 | 119 |
| Trailer Court 21 | 50 | 110 |
| Valley | <u>180</u> | <u>396</u> |
| | 399 | 877.- |

Total - Residences - 3300) 399-MH (12.09%

Beau. Population - 8000) 877-M.H (10.96%

Winchester

Residences - 24220 -) 2642MH (10.9%

Population - 71133) 4791MH (6.7%

See - Morgan - Letter

Dec-2-1981.

F P P C
Jul 24 8 53 AM '87

July 23, 1987

State of California
Fair Political Practices Comm.

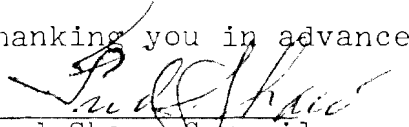
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Population - 71133) 4791 M.H (6.7%

See - Morgan - Letter

Dec - 2 - 1981.



California Fair Political Practices Commission

July 9, 1987

Irish D. Mitchell
402 E. 6th Street
Beaumont, CA 92223

Re: Your Letter of July 6, 1987;
Our File No. J-87-190

Dear Mr. Mitchell:

You have written requesting advice regarding the duties and obligations of Beaumont City Councilman Fred Shaw under the Political Reform Act (the "Act").^{1/} As I have explained to you over the telephone, this office renders advice only to the public official whose duties are in question or to his authorized representative. (See enclosed copy of Regulation 18329.) Consequently, we are unable to respond to your request until such time as we receive authorization from Mr. Shaw, including his home address and telephone number, as well as certain other pertinent information outlined in the regulation.

At this time, we have already furnished you with copies of the Commission's Ferraro Opinion, 4 FPPC Ops. 62 (No. 78-009, Nov. 7, 1978) and Overstreet Opinion, 6 FPPC Ops. 12 (No. 80-010, March 3, 1981), as well as our Advice Letter to Paul H. Morgan (No. A-81-507), which are on related subjects. I enclose herewith a copy of Regulations 18233 and 18702.1 which you may also find of interest.


^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise noted. Commission regulations appear at 2 California Administrative Code Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code.

Irish D. Mitchell
July 9, 1987
Page 2

Until we receive Mr. Shaw's authorization, we will hold any further response to your correspondence of July 6th in abeyance. If you have questions regarding this letter, I may be reached at (916) 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel


By: Robert E. Leidigh
Counsel, Legal Division

REL:km
Enclosures
cc: George R. Ryskamp

IRISH D. MITCHELL REALTY

PROJECT MANAGEMENT COMPANY

"Service - From Desire to Conclusion"

Irish D. Mitchell, Broker

402 E. 6th Street -- Beaumont, Ca. 92223

Phone (714) 845-1648 or (714) 845-1201 (eves.)

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Sales

July 6, 1987

State of California
Fair Political Practices Comm.
1100 K Street-P.O.Box 807
Sacramento CA. 95804.

Attn: Robert E. Leidigh.

Dear Mr. Leidigh,

Re: Our recent conversation on Conflict of Interest.
Name of affected party: Councilman Fred Shaw, RENTER

The City of Beaumont CA has:

7 mobile home parks- all rentals. 496 spaces +/-.
Per unit population 2.1 x 496 = 1041 residents.
City population- ~~7100~~ ⁶⁴⁸⁰⁰. % of MH residents- ~~14.7%~~ ^{16.1%}

Residence homes- 2800 496 MH. 17.7%.

The issue in question; The repeal of Beaumont
City Ordinance # 13.16. viz: Mobile Home Rent
Review Commission. Established Oct. 8, 1984.

We would appreciate a letter from your office
relative to a conflict of interest opinion
pertaining to Councilman Shaw.

Thanking you in advance for your consideration,

Irish D. Mitchell
Irish D. Mitchell

IDM/tc

Refer to Morgan-Westminster letter of Dec. 1981.



California Fair Political Practices Commission

July 9, 1987

George R. Ryskamp
City Attorney
City of Beaumont
6608 Palm Avenue
Riverside, CA 92506

Re: Your Request for Advice
Our File No. I-87-181

Dear Mr. Ryskamp:

We have received your request for advice regarding the duties of City of Beaumont Councilman Fred Shaw under the conflict of interest provisions of the Political Reform Act (the "Act").^{1/} You have asked whether Councilman Shaw may participate in a decision to repeal a mobile home rent review ordinance. We have received a similar request from former Councilman Irish D. Mitchell. (See enclosed copy of our letter to Mr. Mitchell.) Before responding to either of these requests we must be advised whether Councilman Shaw has authorized either of the requests and concurs in the facts presented in the letters. (See Regulation 18329, copy enclosed.) Because the matter will come before the City Council on July 13th, we have included some Commission opinions and advice letters which may be of assistance.

If you have any questions, please contact me at (916) 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel

By: John G. McLean
Counsel, Legal Division

JGM:km
Enclosures
cc: Irish D. Mitchell

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise noted. Commission regulations appear at 2 California Administrative Code Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Administrative Code.

LAW OFFICES OF
RYSKAMP AND ROBINSON

A PROFESSIONAL CORPORATION
6608 PALM AVENUE
RIVERSIDE, CALIFORNIA 92506
(714) 781-1960

GEORGE R. RYSKAMP
W.O. ROBINSON
PAUL J. BURKHART

JUL 21 6 23 AM '87
HARRY M. DOUGHERTY
OF COUNSEL
ROBERTA C. SOLTZ
LEGAL ASSISTANTS

July 17, 1987

Attorney John G. McLean
Counsel, Legal Division
California Fair Political Practices Commission
428 J Street
Suite 800
P. O. Box 807
Sacramento, CA 95804-0807

RE: Conflict of Interest
Our Request for Advice
Your File No. I-87-181

Dear Mr. McLean:

This letter is in response to yours of July 9, 1987. I have reviewed the legal material sent by you. I have also spoken this afternoon with Councilman Fred Shaw. Fred advises me that he still wishes to have an opinion made as to whether or not he should vote. He definitely concurs with our requesting this opinion. Although, he had previously been given a copy, I reviewed with him, word by word, the facts that had been set forth to you. He concurs in the facts as previously sent to you.

I also advised Mr. Shaw that I would be sending to you a copy of the letter, which we have recently received from the attorneys representing the Valley Mobile Home Park. As you can see, they have notified us that until the repeal of the ordinance is voted upon, they will not proceed with arbitration. It is their opinion that if repeal is passed, continuing the arbitration would be fruitless. I would note that not all of the mobile home spaces in the 180 space park are covered by the arbitration. A good number of the spaces, although less than 50%, are now covered by one year leases; and, therefore, not within the purview of the mobile home rent review ordinance.

The City Manager has also provided me with statistics from the Population Research Unit, Department of Finance for State of California Report, dated April 28, 1987, in which it sets forth population estimates for January 1, 1987, on Page 37, Summary

Report for Riverside County. It therein sets forth that there are 374 mobile home units in Beaumont, and the population in those units is 570 individuals. The total population of the City is set at 8,000. The total number of housing units is 3,224. There is no specific vacancy rate for mobile homes; however, the city-wide vacancy rate for housing units is 9.68%.

If there are any other facts that you need, please contact the undersigned. We do appreciate your very efficient and prompt attention in this matter.

Very truly yours,

RYSKAMP AND ROBINSON

BY:  GEORGE R. RYSKAMP

GRR:kh

Enclosure

JOHN ROBERT WILLIAMS
ATTORNEY AT LAW
910 East Florida Avenue • Suite C-2
Hemet, California 92343
Telephone (714) 652-0552

RECEIVED

July 8, 1987

JUL 09 1987

John M. Porter
Roberts and Morgan
Attorneys at Law
5015 Canyon Crest Drive
P. O. Box 5980
Riverside, California 92507

George R. Ryskamp
Ryskamp and Robinson
Attorneys at Law
A Professional Corporation
6608 Palm Avenue
Riverside, California 92506

R. Michael Walters
Walters & Ward
A Professional Corporation
11665 Avena Place
Suite 203
Lakeview Building
Rancho Bernardo,
San Diego, California
92128-2403

Re: Valley Mobile Home Rent Review
Beaumont, California

Gentlemen:

I have received Mr. Ryskamp's letter dated June 23, 1987, and Mr. Walters' letter dated July 1, 1987, regarding the above-mentioned matter. I have discussed one portion of this matter by telephone with Mr. Ryskamp on June 25, 1987, and Mr. Porter on July 8, 1987. I want to set forth this one matter in writing for each of you.

Mr. Ryskamp states in his letter of June 23, 1987, that the pending repeal of the rent review ordinance "does not in any way effect these (arbitration) proceedings." I strongly disagree. While we could procedurally conduct an arbitration hearing if the ordinance is repealed I cannot see any practical positive effect. If the arbitrator were to decide in favor of the renters, Mr. Farr could obliterate that decision by simply giving a sixty day notice of rent increase to whatever sum he arbitrarily decides. Under those circumstances, to borrow a cliché, my clients would most definitely "win the battle and lose the war."

Apparently the Beaumont City Council will vote sometime this month on the repeal of the rent review ordinance. I strongly urge and request that no date for arbitration be set until after the fate of the rent review ordinance is known. I believe a date no later than August 15, 1987, for arbitration is unrealistic. I have noted Mr. Walters scheduling conflicts set forth in his

John M. Porter
George R. Ryskamp
R. Michael Walters
July 8, 1987
Page 2

letter and I also concur with his statements regarding preparation for an arbitration hearing. Further, if the ordinance is repealed, I would have great difficulty in preparing for an arbitration hearing which could not possibly result in any practical benefits for my clients.

Yours very truly,

A handwritten signature in cursive script, reading "John Robert Williams".

JOHN ROBERT WILLIAMS
Attorney at Law

JRW/sm

cc: Allan Hacker
Valley Mobile Home Owners
and Renters Association



California Fair Political Practices Commission

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ANALYSIS

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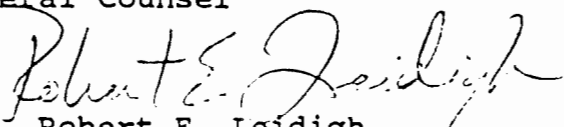
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If you have questions regarding this letter, I may be reached at (916) 322-5901.

Sincerely,

Diane Griffiths
General Counsel


By: Robert E. Leidigh
Counsel, Legal Division

Enclosures
REL:jaj

cc: Irish D. Mitchell
George R. Ryskamp

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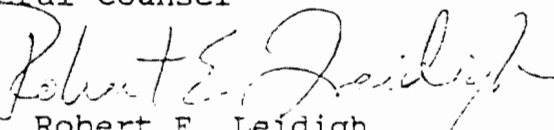
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